

UNITED STATES DISTRICT COURT

JUL 26 2018

for the
District of New Mexico

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

505 S. Cedar Avenue
Roswell, New Mexico

Case No. 18MR660

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, hereby incorporated by reference,

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, hereby incorporated by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

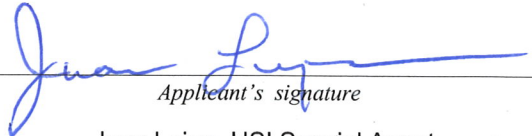
Code Section
8 USC § 1324(1)(A)(iii)

Offense Description
knowing an alien has come to the United States in violation of law, conceals, harbors, or attempts to conceal, harbor, or shield from detection, such alien in an any place, including any building or means of transportation

The application is based on these facts:

See Attachment C, which is hereby incorporated by reference.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

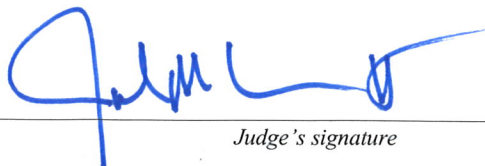

Applicant's signature

Juan Lujan HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 07/26/2018

City and state: Roswell, New Mexico


Judge's signature

Joel M. Carson, U.S. Circuit Judge, sitting by designation
Printed name and title

ATTACHMENT A

The residence at 505 S. Cedar Avenue, a home in Roswell, New Mexico.

Pic 1): front of residence located at 505 S. Cedar Avenue, Roswell, NM 88203

Pic 2): Aerial view of residence at 505 S. Cedar Avenue, Roswell, NM 88203 which also includes the shed at the rear of the residence

Google Maps 505 S Cedar Ave

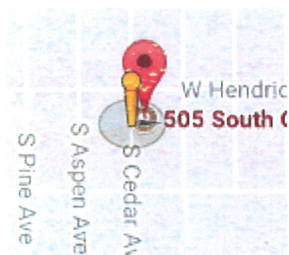


Image capture: Mar 2013 © 2018 Google

Roswell, New Mexico

 Google, Inc.

Street View - Mar 2013



Google Maps



Map data ©2018 Google 20 ft

ATTACHMENT B
Items to be searched for and seized

1. Documents and articles of personal property evidencing the smuggling of aliens or hostage taking, including: ledgers, customer lists, counterfeit or genuine immigration documents, telephone/address books or notebooks containing the names of individuals involved in alien smuggling or hostage taking.
2. Cash or checks or other monetary instruments obtained from alien smuggling or hostage taking, only to the extent that there are actual receipts or proof that the funds are from these illegal activities. Bank accounting, or other financial records which are records of earning or payments relating to alien smuggling or hostage taking.
3. Counterfeit, genuine or altered immigration or social security documents including counterfeit, genuine or altered Alien Registration Receipts cards including, but not limited to Forms I-551, I-151, I-586, I-186, I-688, I-688A, I-688B and I-94; and counterfeit, genuine or altered social security cards.
5. Any passwords, PIN numbers, encryption programs, or other data security devices necessary to gain access to related computers.
6. Documents that serve the purpose of explaining the way computer hardware, programs and data are used, including manuals and passwords.
7. All documents tending to show occupancy and/or ownership of the home, including personal identification, bills, receipts, canceled mail, utility bills, rent receipts and bank statements.
8. Any computers (including file servers, desktop computers, laptop computers, mainframe computers and storage devices such as hard drives, zip disks, CD-ROMs, DVDs, and floppy disks, personal digital assistants and cell phones) that were of may have been used to store the information listed in items 1-7 above. Any laptop or desktop printers that may have been used to print, produce, or attempt to reproduce the listed items 1-7 above. Any scanners or copiers that may have been used to scan or copy in order to copy or reproduce the listed items 1-7 above. Cellular telephones and their contents, including phone book or contacts list, call history, text messages and logs, audio/video files, voice mail messages, photographs, and any other material stored on the cellular telephones that may constitute the listed items 1-7 above or contain evidence related to the offenses listed below.
9. All of the property in #1-8 which are evidence of offenses in violation of Title 18 , United States Code, Section (s):

that is evidence of offenses in violation of Title 18, United States Code,
Section(s):

1546 - Fraud and Misuse of Visa, permits, and other Documents;

1028 (a) (2) and (c) (1) - Transfer of False United States Identification Documents;

1203 - Hostage Taking

371 - Conspiracy; and

2 - Aiding and abetting

9. All of the property in #1-8 which are evidence of offenses in violation of Title 8, United States Code, Section

1324 (a) (1) (A) (i) Brining in and Harboring Certain Aliens

ATTACHMENT C

AFFIDAVIT IN SUPPORT OF ORDER AUTHORIZING SEARCH WARRANT

1. I, Juan Lujan, being sworn depose and state that I have been a federal law enforcement officer since 2006 and I am currently a Special Agent with Homeland Security Investigations, Immigration and Customs Enforcement. Prior to being a Special Agent, I previously served as a Border Patrol Agent with United States Border Patrol with Customs and Border Protection and an Immigration Enforcement Officer with Immigration and Customs Enforcement. I am currently assigned to the Las Cruces, New Mexico Assistant Special Agent in Charge Office with Homeland Security Investigations. I am empowered, as a Special Agent, to affect arrests, searches, and seizures for violations of various Federal laws. I have participated in numerous alien smuggling investigations and worksite enforcement operations, either as a case agent or in various support roles.
2. This affidavit is offered in support of an order authorizing the search of the following SUBJECT PREMISES:
3. A single-family residence located at 505 S. Cedar Avenue in Roswell, New Mexico. 88203. The address is further described as single-story residence with a stucco façade and a front entrance garage. The back of the residence has a high wooden fence surrounding the back yard. There is a large shed in the back yard.
4. Based upon your affiant's training, experience, conversations with other law enforcement officers, and participation in other investigations involving the smuggling and harboring of undocumented aliens, affiant knows:
5. Individuals who are smuggled and harbored at a stash house commonly hide in the stash house in an attempt to conceal themselves from law enforcement. Undocumented aliens will not present themselves to Agents for an immigration inspection. Alien smugglers and undocumented aliens will often use counterfeit immigration documents to further their attempts to conceal the aliens from law enforcement.
6. The Affiant states the facts, which establish probable cause necessary for the issuance of a search warrant for the above-described address, are as follows:
7. On July 25, 2018, Homeland Security Investigations (HSI) Special Agents received information from a source of information, who is serving as a material witness in an unrelated alien-smuggling case, stating that he had spoken to an illegal alien being housed at 505 S. Cedar Avenue in Roswell, NM. The source stated that the illegal alien with whom he spoke and other illegal aliens were being held against their will until payment was received from family or friends. The source stated that one of the illegal aliens sent him a pin drop of his location via

cellular telephone. The source forwarded the pin drop to HSI Special Agents. HSI Special Agents confirmed that the location of the pin drop was 505 S. Cedar Avenue in Las Cruces, New Mexico.

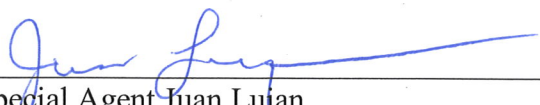
8. HSI Agents, with assistance from Enforcement and Removal Operations, intermittently conducted surveillance at the residence from July 25 to July 26, 2018. During surveillance, agents noticed that all the front windows of the residence were tinted with reflective plastic tint. Alien smugglers often tint windows with reflective tint to avoid anyone from peeking through windows of residence.

9. On July 26, 2018, the source of information called HSI Special Agent Juan Lujan and informed him that the aliens at the residence were being threatened that if payments weren't received soon, they would start beating the aliens. Based on the information, Agents approached the residence and conducted a knock and talk. The door was not answered but an individual attempted to flee the residence. The individual went inside the house upon seeing law enforcement. Agents, with assistance from the Roswell Police Department, conducted a surround and call out of the persons inside the residence.

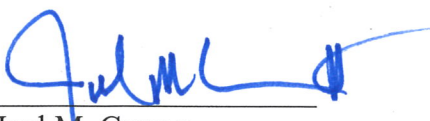
10. At approximately 1:30 p.m., thirteen individuals came out of the house and were arrested. All individuals reported being illegally present in the U.S. Agents learned that the individuals who came outside were held against their will by their alien smuggler until payment was received.

11. An individual believed to be the smuggler attempted to flee the area in a gold Ford Edge. The individual was also arrested pending investigation.

12. With the aforementioned information, HSI Las Cruces is requesting a search warrant for 505 S. Cedar Avenue, Roswell, New Mexico 88203 in search of undocumented aliens and any evidence of alien smuggling or hostage taking. The search warrant is anticipated to be executed on July 26, 2018. The circumstances surrounding the case require HSI Las Cruces to take action as quickly as possible.


Special Agent Juan Lujan
HSI

Sworn to before me on this the 26th day of July 2018


Joel M. Carson
U.S. Circuit Judge, sitting by designation